

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-Publication of Notice Statement)

Amend Subsection 365,
Title 14, California Code of Regulations (CCR)
Re: Bear

I. Date of Initial Statement of Reasons: December 11, 2009

II. Dates and Locations of Scheduled Hearings:

- (a) Notice Hearing: Date: February 4, 2010
 Location: Sacramento, California
- (b) Discussion Hearing: Date: March 3, 2010
 Location: Ontario, California
- (c) Discussion Hearing: Date: April 8, 2010
 Location: Monterey, California
- (d) Adoption Hearing: Date: April 21, 2010
 Location: Sacramento, California

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

- 1. Amend Hunting Areas – The Department proposes amending the bear hunting area in three locations of the State.

A. Portions of Modoc and Lassen counties –

The Department proposed to expand the bear hunting area by adding deer hunting zone X-3b. This includes the Warner Mountains in Modoc and northern Lassen counties.

The Department has developed a statewide habitat suitability model for black bears. That model is based on the habitat preferences of bears for feeding, resting and breeding. Vegetation types containing large trees are preferred by bears for breeding and escape cover. Also, moist areas are preferred for drinking and for production of

young, digestible grasses and forbs as forage. The compilation of these and other preferred habitat elements are shown in the mapped model output.

B. Portion of San Luis Obispo County –

Existing subsection 365 (a)(4), Title 14, California Code of Regulations, provides a description of the bear hunting area for the Southern California bear hunting area. This hunt area includes several counties in Southern California, including Santa Barbara County, adjacent to San Luis Obispo County. Currently, bear hunting in San Luis Obispo County is not allowed. Bear hunters have expressed an interest in having the Southern California area expanded to include San Luis Obispo County. In an effort to meet this specific demand for hunter opportunity and expanded hunting area access, while assuring that bear harvest levels meet approved harvest plan objectives, the proposed regulation change enlarges the Southern California bear hunting area to include a portion of San Luis Obispo County.

The proposed regulation change would allow bear hunting in a portion of San Luis Obispo County. Expanding the hunt area north to include part of San Luis Obispo County would allow hunters access to areas supporting harvestable bear populations.

Hunting black bears is currently provided in Santa Barbara County, south of San Luis Obispo County. During the past ten years, approximately 20 bears are reported killed annually by hunters in Santa Barbara County. The proposed change to add a portion of San Luis Obispo County to the bear hunting area is expected to result in the harvest of a similar number of bears.

Bears have been observed in San Luis Obispo County for a number of decades. Depredation permit data record the first bear depredation permit was issued in 1979. During the past ten years, 23 depredation permits have been issued in San Luis Obispo County. In comparison, during the same period, 22 depredation permits have been issued in Santa Barbara County.

Public input and direction by the California Fish and Game Commission beginning in 2007 prompted this proposed change by the Department. In recent years, the Department has learned more about bear distribution and abundance in San Luis Obispo County. In an effort to collect more information regarding the presence and relative abundance of bears in San Luis Obispo County, the

Department conducted field samples of bear relative densities during the summers of 2007 and 2008. The results of those surveys support the conclusion that bear numbers and densities are adequate in San Luis Obispo County to allow bear hunting without adversely affecting the bear population in the county.

C. Portion of Inyo County –

Currently, a portion of the bear hunting area in northern Inyo County follows the county line. This administrative boundary is difficult to follow on the ground, and it makes enforcement of the boundary equally difficult. The proposed change moves that portion of the hunt area to a road, improving the enforceability of the hunt zone boundary.

2. Bear Season -

Existing subsection 365 (b), Title 14, California Code of Regulations, requires the general bear season to close early when the Department receives notification that 1,700 bears have been taken. In addition, the Department is required to send a letter to each bear hunter when this early closure occurs. This has occurred only three times in the past seven years. The proposed change eliminates the early closure of the bear hunting season because it is unnecessary and insignificant to the bear population, and the cost of notifying all hunters by mail is an unnecessary expense. Bear hunting is managed by monitoring specific bear population criteria and comparing those criteria to levels listed in the Bear Management Plan.

In addition, a change is proposed to clarify that the end of the bear season is the last Sunday in December rather than 79 days past the second Saturday in October. Both these descriptions are the same day; however, the former is more clear and understandable.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, and 203 Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, and 207 Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change: None.

(d) Identification of Reports or Documents Supporting Regulation Change:

Please see 2010 Environmental Document Regarding Bear Hunting.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

The Department received direction from the Fish and Game Commission at its February, 2007 meeting in Monterey and its February, 2008 meeting in San Diego to consider adding San Luis Obispo County to the bear hunting area. Public discussion and testimony received by the Fish and Game Commission at those meetings was responsible for this proposed change to regulations. In addition, the Department received input from the public at a scoping meeting held in Davis, CA on November 18, 2009.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Proposed Project

1. Expand the Southern California bear hunting area to include San Luis Obispo County, but allow bear hunting only on public land within the County:

This alternative would provide additional hunting opportunity by expanding the Southern California bear hunting area to include San Luis Obispo County, but would not allow hunting on private lands within the County. Bears have caused property damage in a variety of location throughout the County, and depredation permits have been issued to some landowners to kill bears as a result. This alternative would focus hunting mostly within the Los Padres National Forest, lands administered by the Bureau of Land Management and some state-owned land in various locations. The majority of land within San Luis Obispo County is private, so this alternative would greatly reduce hunting opportunity compared to the proposed regulation. This alternative is rejected because it would not allow private landowners the opportunity to take bears from their lands as part of the archery and general hunting seasons.

2. Increase the in-season closure bear harvest quota from 1,700 to 2,500:

This alternative would require the bear season to close early when the Department received notification that 2,500 bears were taken. This alternative would still require the Department to send a letter to each bear hunter when this early closure occurs. This alternative would reduce the probability that the harvest level would be high enough to end the season early and requiring the expense of notifying hunters by mail. This alternative is rejected because it the in-season closure quota

is unnecessary and costly. Bear hunting is managed by monitoring specific bear population criteria and comparing those criteria to levels specified in the Bear Management Plan.

3. Eliminate the in-season closure mechanism and limit the number of bear hunters to 30,000.

This alternative would eliminate the in-season closure mechanism which ends the bear hunting season whenever a specified number of bears are reported killed by hunters. In addition, this alternative would limit the number of bear tags to 30,000. Current regulations do not limit the number of bear tags sold annually. This alternative was analyzed and rejected because it would unnecessarily limit hunting opportunity.

4. Split the bear hunting area into four bear management units and establish tag quotas for each area.

This alternative would break the current statewide bear hunting area into four separate hunting units (BMU) and establish a quota on the number of tags that would be issued for each BMU. This alternative is proposed to manage the genetic diversity of bears in different regions of the State. Recently, the Department contracted with the University of California, Davis to investigate black bear population genetics in California. The results of the research shows variation in the genetic diversity of bears from one region to another, however all areas indicate that bears are genetically diverse. This alternative is rejected because genetic results indicate that it is unnecessary, and implementing this alternative would be unduly restrictive.

(b) No Change Alternative:

1. Amend Hunting Area

The no-change alternative was considered and rejected because it would not attain project objectives of providing for hunting opportunities on specified public and private land within Modoc, Lassen, and San Luis Obispo counties.

2. Bear Season Early Closure

The no-change alternative was considered and rejected because it would continue a costly and unnecessary process.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

None. See attached Negative Declaration.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

(c) Cost Impacts on Private Persons:

The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Other Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4:

None.

(h) Effect on Housing Costs:

None.

INFORMATIVE DIGEST (Policy Statement Overview)

Existing subsection 365(a), Title 14, California Code of Regulations, provides a description of the bear hunting area for California. The proposed regulation change provides additional hunting opportunity by enlarging the Northern California bear hunting area to include deer hunting zone X-3b in Modoc and Lassen counties, enlarging the Southern California bear hunting area to include portions of San Luis Obispo County, and the Southeastern Sierra bear hunting area by including an additional portion of Inyo County to make the boundary more enforceable.

Existing subsection 365(b), Title 14, California Code of Regulations, requires the bear season to close early when the Department receives notification that 1,700 bears have been taken. In addition, the Department is required to send a letter to each bear hunter when this early closure occurs. The proposed change eliminates the early closure of the bear hunting season, because it is unnecessary and insignificant to the bear population, and the cost of notifying all hunters by mail is an unnecessary expense.

In addition, there is a minor edit to clarify the regulations by specifying that the limit for bear hunting is one bear per hunting license year rather than one bear per season.